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PROJECT NO. 51812

**ISSUES RELATED TO THE STATE OF § PUBLIC UTILITY COMMISSION
DISASTER FOR THE FEBRUARY 2021 §
WINTER WEATHER EVENT § OF TEXAS**

**ORDER DIRECTING CERTAIN ACTIONS AND GRANTING EXCEPTIONS TO
CERTAIN RULES**

On February 12, 2021, pursuant to Texas Government Code § 418.014, in response to an extreme winter weather event, Governor Greg Abbott issued a Declaration of a State of Disaster for all counties in Texas. Further, on February 15, 2021, the Electric Reliability Council of Texas, Inc. (ERCOT) declared its highest state of emergency, an Energy Emergency Alert Level 3 (EEA3), due to exceptionally high electric demand exceeding limited supply. While ERCOT has now left the EEA3 status, recovery from the emergency conditions is continuing. However, some market conditions and market activities have not returned to normal. To assist in the return to normalcy, the executive director has determined that Commission Staff will utilize enforcement discretion where rule or protocol requirements conflict with recovery from the emergency conditions experienced since February 15, 2021.¹

Furthermore, under the authority found in 16 TAC § 22.5(a), the Commission finds that there exists a public emergency and imperative public necessity that constitutes good cause for granting exceptions to the following rules:

- Electric Rules
 - 16 TAC § 25.480(c), which relates to assessment of late fees on customers for delinquent bills.
 - 16 TAC § 25.214(d), and Sections 6.1.2.1, 6.1.3.1, and 6.1.4.1 of the Tariff for Retail Delivery Service, which relate to the tariff provisions regarding disconnections for nonpayment.
 - 16 TAC § 25.483(c), which relates to disconnection of a customer for nonpayment.

¹ Memorandum of the Executive Director (Feb. 19, 2021).

- Water and Sewer Rules
 - 16 TAC § 24.165(c), which relates to assessment of late fees on customers for delinquent bills.
 - 16 TAC § 24.165(d), which authorizes a water utility to charge interest on a deferred payment plan.
 - 16 TAC § 24.165(i), which relates to requirements for estimated bills.
 - 16 TAC § 24.167(a)(2)(A), which allows a retail public utility to disconnect water or sewer service for nonpayment.
 - 16 TAC § 24.167(a)(2)(F), which authorizes a utility to disconnect water service for non-payment of a solid waste charge.
 - 16 TAC § 24.167(e), which requires a retail public utility to disconnect water service for nonpayment of sewer charges.

Additionally, on March 26, 2020, the Commission issued an order in Project 50664² directing all retail electric providers to offer a deferred payment plan to customers, upon request. An order issued on July 16, 2020, renewed this directive,³ and no subsequent order has terminated its application. Thus, this directive remains in effect.

I. Ordering Paragraphs

Accordingly, until otherwise ordered, the Commission makes the following orders:

1. All retail electric providers are prohibited from sending a request to disconnect a customer for nonpayment to transmission and distribution utilities.
2. All transmission and distribution utilities are prohibited from disconnecting a customer for nonpayment.
3. The prohibition on disconnection also applies to prepaid customers.
4. All retail electric providers must continue to offer a deferred payment plan to customers, upon request.

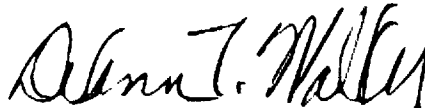
² *Issues Related to the State of Disaster for the Coronavirus Disease 2019*, Order Directing Certain Actions and Granting Exceptions to Certain Rules, Ordering Paragraph No. 1 (Mar. 26, 2020).

³ *Id.*, Fourth Order Directing Certain Actions and Granting Exceptions to Certain Rules, Ordering Paragraph No. 1 (Jul 16, 2020).

5. Exceptions are granted to the following electric rules: 16 TAC § 25.480(c), which relates to assessment of late fees on customers for delinquent bills; 16 TAC § 25.214(d) and Sections 6.1.2.1, 6.1.3.1, and 6.1.4.1 of the Tariff for Retail Delivery Service, which relate to the tariff provisions regarding disconnections for nonpayment, and 16 TAC § 25.483(c), which relates to disconnection of a customer for nonpayment
6. Exceptions are granted to the following water and sewer rules: 16 TAC § 24.165(c), which relates to assessment of late fees on customers for delinquent bills; 16 TAC § 24.165(d), which authorizes a water utility to charge interest on a deferred payment plan; 16 TAC § 24.165(i), which relates to requirements for estimated bills; 16 TAC § 24.167(a)(2)(A), which allows a retail public utility to disconnect water or sewer service for nonpayment; 16 TAC § 24.167(a)(2)(F), which authorizes a utility to disconnect water service for nonpayment of a solid waste charge; and 16 TAC § 24.167(e), which requires a retail public utility to disconnect water service for nonpayment of sewer charges.

Signed at Austin, Texas the 21st day of February 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



DEANN T. WALKER, CHAIRMAN



ARTHUR C. D'ANDREA, COMMISSIONER



SHELLY BOTKIN, COMMISSIONER